

### **REMARKS/ARGUMENTS**

Applicant thanks Examiner for the detailed Office Action dated March 30, 2005. In response to the issues raised, the Applicant offers the following submissions and amendments. Also enclosed is a Terminal Disclaimer linking the ownership of any patent granted on the present application to that of USSN 10/760,214.

#### **Amendments**

Page 1 has been amended to delete the current title and adopt the Examiner's suggested title. The Applicant has also updated the list of co-pending applications with USPTO application serial numbers.

Page 42 has been amended to correct the inconsistencies in the reference numbering of several described features.

Claims 1 and 2 have been cancelled and replaced with newly presented claim 49. Claim 49 is directed to the combination of integers previously defined by cancelled claims 1 and 2. Claims 3, 4, 10, 13, 14, 15 and 16 have been amend to append from new claim 49.

Claims 20 to 48 have been cancelled.

The Applicant submits that none of the amendments introduce any new matter.

#### **Specification**

As discussed above, the title has been amended to that suggested by the Examiner. We trust that this is sufficiently descriptive of the invention.

The specification has also been amended to correct the reference numbering. The Applicant thanks the Examiner for identifying these errors.

**37 CFR 1.75(c) – Claims 20-35, 39 and 43-47**

Claims 20-35, 39 and 43-47 have been cancelled. Accordingly, we trust the objection to their dependent form is now moot.

**35 USC §112 – Claims 36-38, 40-42 and 48**

Claims 36-38, 40-42 and 48 have been cancelled. Accordingly, we trust the rejection for failing to distinctly identify the subject matter they seek to claim, is now moot.

**35 U.S.C. §102 - Claim 1-4, 8, 18 and 20-48**

Claims 1-4, 8 and 18 stand rejected for lack of novelty in light of the disclosure in US 4,878,581 to Beery. As discussed above, claims 20 to 48 have been cancelled.

The amendments cancel claim 1 and newly presented claim 49 replaces it as the main claim. Claim 49 clarifies the relationship between the access flap and the gap between the access flap and its adjacent edge. It is this working interrelationship that provides the tote with much of its functional convenience for the user.

The hinged flap can be opened giving the user unhindered access to the core. This is convenient when attaching the start of wallpaper roll to the core. However, the tote is configured so that when the access flap is subsequently closed, a gap remains between the flap and the adjacent edge of the exterior. The gap provides an effective media guide as the wallpaper is wound onto the core. As discussed in the 'Consumer Tote' subsection of the Detailed Description, the outer edge of the access flap can be folded over or even use a non-stick coating so that the guide is frictionless against the wallpaper. The access flap remains closed to protect the wallpaper roll while the user transports it home where the flap can be opened again to draw out the wallpaper.

Beery teaches a cartridge for retaining a spool of light sensitive film within a housing that has a light trap entry passage. The Examiner has equated the exterior panel 21 with the access flap of the present invention. The Applicant respectfully disagrees with this comparison. An access flap must inherently be operable to provide access to a region or

area. In the case of the present invention, the ordinary worker in this field would immediately understand that the flap can be used to allow access or restrict access to the interior of the tote. This interpretation is readily derived from the plain English meanings of the terms 'access' and 'flap'. However, to reinforce this understanding, new claim 49 has explicitly defined that the access flap is used for the purpose of user access. Accordingly, claim 49 does not introduce any new matter.

Panel 21 of the Beery cartridge can not be used for access to the spool. The top panel 21 is secured between the top flange portion 34 and the peripheral flange 30 of the end caps 14 and 15 (see col. 3, lines 37 to 45). It is imperative to the operation of the cartridge that the panel 21 does not open and allow light to strike the film within. The panel 21 is therefore not an access panel and the cartridge would not be a suitable wallpaper tote as defined by new claim 49.

Accordingly, Beery fails to anticipate the tote having the combination of features defined by new claim 49. Likewise, claims 3-19 are novel in light of Beery by virtue of their appendence to claim 49.

#### **35 U.S.C. §103 - Claims 5-11, 13-17 and 19**

Claims 5-7 and 19 stand rejected as obvious in light of Beery in view of US 5,413,220 to Sirianni.

Claims 5-7 and 19 indirectly append to newly presented claim 49. As discussed above, Beery fails to teach or suggest an access flap that selectively allows or restricts access to the interior of the tote. In fact Beery teaches away from access to the interior of the cartridge. Sirianni also fails to implicitly or explicitly disclose an access flap that opens or closes to define a gap with an adjacent edge of the exterior. Accordingly, the combined disclosures of the cited art fail to teach all the features of new claim 49. In light of this, new claim 49 is not obvious in light of the cited references and indirectly appended claims 5-7 and 19 are likewise inventive.

#### **35 U.S.C. §103 - Claim 8**

Claim 8 stands rejected as obvious in light of Beery in view of US 3,627,225 to Badum.

Claim 8 indirectly appends to newly presented claim 49. As discussed above, Beery actually teaches away from the use of an access flap to the interior of the cartridge. Furthermore, Badum also fails to contemplate an access flap that opens or closes to define a gap with an adjacent edge of the exterior.

Badum describes a container for a recording medium such as film or magnetic tape. The cover member 22 is hinged for opening and closing. However, when closed, the cover member 22 fails to define a gap with the container front wall 16. Therefore, it is completely unsuitable as the tote of the present invention. Accordingly, the combined disclosures of the cited art fail to teach all the features of new claim 49. In light of this, new claim 49 is not obvious in light of the cited references and indirectly appended claim 8 is likewise inventive.

**35 U.S.C. §103 - Claims 14 and 16**

Pursuant to the above, new claim 49 is novel and inventive in light of the disclosure in Beery. It follows that appended claims 14 and 16 are likewise novel and inventive.

**35 U.S.C. §103 - Claim 15**

Claim 15 stands rejected as obvious in light of Beery in view of EP 826618 to Takayama.

Claim 15 appends to newly presented claim 49. As discussed above, Beery fails to teach or suggest an access that selectively allows or restricts access to the interior of the tote. In fact Beery teaches away from access to the interior of the cartridge.

Furthermore, Takayama fails to describe a viewing window for displaying the contents of the container. The slot 9 in Takayama's first preferred embodiment, and the slot 15 in the second embodiment, are for dispensing the cable on the spool in the container. There is no teaching or suggestion that these slots are configured to allow the user to view the contents of the container.

In light of this, there is no motivation to combine the disclosures of Beery and Takayama, and if these were combined, they would fail to teach all the claim elements. It follows that amended claim 15 is novel and inventive in light of the cited art.

**35 U.S.C. §103 – Claim 17**

Claim 17 stands rejected as obvious in light of Beery in view of EP 327712 to Moggia.

Amended claim 17 appends to newly presented claim 49. As discussed above, Beery actually teaches away from the use of an access flap to the interior of the cartridge. Moggia has 'an overturnable cover 2' that allows access to the interior of the dispenser and a folded over portion on the top edge of the front wall 10. However, the folded over portion is constructed for reinforcing the front wall so that the top can be pressed onto the top edge when tearing a perforated sheet from the roll. It is not designed to act as a smooth guide as the media is wound onto a core rotatably mounted in its interior. This reflects that the Moggia arrangement is solely a dispenser of ribbon, perforated sheet or the like. The reinforced edge and the front edge of the cover do not provide a gap or a smooth media guide so that a media web can be rapidly drawn into the dispenser.

In light of this, the ordinary worker would not be motivated to combine the film cartridge of Beery with the ribbon dispenser of Moggia to derive the consumer tote for wallpaper as defined by amended claim 17. Accordingly, claim 17 is not obvious in light of the cited references.

**Conclusion**

It is respectfully submitted that the Examiner's objections and rejections have been successfully traversed and the application is now in condition for allowance. Accordingly, reconsideration and allowance of the application is courteously solicited.

Very respectfully,

Applicant:



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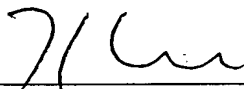
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